

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

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|-----------------------------|---|------------------------|
| IOFINA, INC., |) | |
| IOFINA RESOURCES, INC., and |) | |
| IOFINA CHEMICAL, INC., |) | |
| |) | |
| Plaintiffs, |) | |
| |) | |
| vs. |) | Case No. CIV-14-1328-M |
| |) | |
| IGOR KHALEV, and |) | |
| KIVA HOLDING, INC., |) | |
| |) | |
| Defendants. |) | |

ORDER

Before the Court is plaintiffs' Motion to Stay Proceedings Pending Appeal, filed March 15, 2017. On April 4, 2017, defendants filed their response, and on April 11, 2017, plaintiffs filed their reply. Based upon the parties' submissions, the Court makes its determination.

On March 7, 2017, plaintiffs filed a Notice of Appeal from the Court's February 17, 2017 Order granting in part and denying in part plaintiffs' Motion for Permanent Injunction. Plaintiffs now request this Court to exercise its discretion and stay all proceedings in this Court pending plaintiffs' appeal. Defendants object to any stay of the proceedings in this case.

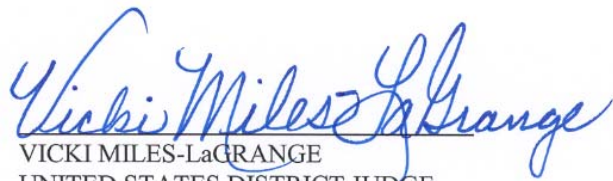
It is well settled that the district court has the power to stay proceedings pending before it and to control its docket for the purpose of economy of time and effort for itself, for counsel, and for litigants. The granting of the stay ordinarily lies within the discretion of the district court.

Pet Milk Co. v. Ritter, 323 F.2d 586, 588 (10th Cir. 1963) (internal quotations and citation omitted).

Having carefully reviewed the parties' submissions, the Court finds that a stay of all proceedings in this Court is unnecessary in light of the procedural posture of this case.¹ A jury trial has been conducted; the jury rendered a verdict, and this Court has issued preliminary findings regarding plaintiffs' motion for permanent injunction. Further, defendants' remaining counterclaims have been stayed since November 30, 2015. Thus, the Court finds that a stay of all proceedings in this case would have no impact on preventing the Court and the parties from needlessly expending time and effort on matters that could be impacted by the Tenth Circuit's resolution of plaintiffs' appeal as the only outstanding issue at this time is plaintiffs' motion for permanent injunction, which is the subject of plaintiffs' appeal. While the Court finds that the briefing schedule regarding the revised permanent injunction should be stayed pending plaintiffs' appeal, the Court, in its discretion, finds that a more expansive stay of the proceedings is not warranted.

Accordingly, the Court GRANTS IN PART and DENIES IN PART plaintiffs' Motion to Stay Proceedings Pending Appeal [docket no. 321] as follows: the briefing schedule regarding the revised permanent injunction set forth in the Court's February 17, 2017 Order is hereby STAYED pending plaintiffs' appeal.

IT IS SO ORDERED this 8th day of June, 2017.


VICKI MILES-LAGRANGE
UNITED STATES DISTRICT JUDGE

¹ In separate orders issued this same date, the Court has stricken defendants' Motion for Attorneys' Fees and defendants' Renewed Motion for Judgment as a Matter of Law or to Alter or Amend Judgment.